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# Appendix IV

## *INDOT Public Involvement Procedures*

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## Introduction

The Indiana Department of Transportation (INDOT) will establish a proactive public involvement process that provides complete information, timely public notice, full public access to key decisions, and supports early and continuing involvement of the public in developing plans and transportation improvement programs.

The goal is to develop a continuous public involvement process, accessible to the public, that identifies and addresses critical environmental issues early in the project development process. It would also minimize duplication of public involvement efforts and meet the needs of the public and resource/regulatory agencies to provide early and continuing input into the project development process. The following procedures outline the ways in which INDOT will accomplish this goal.

1. ***MPO Procedures*** - Each Metropolitan Planning Organization (MPO) develops a public involvement process to solicit public comments on a comprehensive transportation plan and transportation projects within the MPO area. MPOs will include a discussion of the disposition of comments in their Transportation Plans and Transportation Improvement Programs (TIPs).
2. ***INDOT's Regional Process*** - INDOT's regional district offices will conduct annual meetings to seek public comment on the Statewide Transportation Plan and transportation projects programmed in the Statewide Transportation Improvement Program (STIP). These meetings will focus on the planning issues and projects outside the MPO areas while recognizing the leadership role of the MPOs in conducting comprehensive transportation planning in the state's urbanized areas. INDOT's regional offices will conduct transportation planning/public involvement meetings to include clusters of communities within that region. These meetings will be held periodically to focus on local area goals and objectives.
3. ***Advisory Committees*** - INDOT will establish advisory committees on transportation planning issues to involve stakeholders in the development of policies and strategies for the Statewide Transportation Plan.

4. *Statewide Transportation Forum* - INDOT will conduct an annual meeting in Indianapolis to seek public comments on the Statewide Transportation Plan from public agencies, statewide interest groups, stakeholders in the transportation system and others who are not able to attend the individual MPO and district meetings. INDOT will invite the appropriate MPO to participate and provide a comprehensive overview of the metropolitan transportation plans. The Statewide Transportation Plan and STIP will include a discussion of the disposition of comments from the above meetings.
5. *Public Hearings* - Once a project-specific environmental document, required under the National Environmental Policy Act (NEPA), is approved for circulation, INDOT will offer a formal public hearing to seek additional public comment. INDOT will include a disposition of these comments in the final approved NEPA document.
6. *Design Summary* - INDOT develops the design summary to serve as a "public information document," which includes permits, mitigation, design features, right of way features, etc., which are decided during final design.

## Background

The Statewide Planning and Metropolitan Planning Regulations (23 CFR Part 450 & 49 CFR Part 613, October 28, 1993) require that INDOT and MPOs develop public involvement procedures. These regulations also require that a Major Investment Study (MIS) be accomplished to involve agencies and the public in efforts to define the design concept and scope of major transportation investments.

The regulations involving Air Quality Conformity (40 CFR Part 51, November 24, 1993) and the Management and Monitoring Systems (23 CFR Part 500, December 1, 1993) indicate that the planning public involvement process will serve as the vehicle for public input to air quality conformity determinations and the results of the management systems.

These procedures also meet the following public involvement requirements: 23 U.S.C. 128, Executive Orders 12898, 11988 and 11990, 36 CFR 800, 49 CFR 622, 33 CFR 115.60 and 33 CFR 325 and 327. These procedures are consistent with the Council on Environmental Quality's (CEQ) regulations for implementing the National Environmental Policy Act (NEPA) (40 CFR, Parts 1500-1508) and the Federal Highway Administration (FHWA) internal

operating procedure required by NEPA (23 CFR 771, "Environmental Impact and Related Procedures").

## **MPO Procedures**

The Indiana Department of Transportation recognizes the important role that MPOs play in transportation network planning for Indiana. INDOT participates in the cooperative transportation planning process within the MPO's jurisdiction. An effective metropolitan plan must incorporate transportation under both local and state jurisdiction. Therefore, INDOT will rely on MPOs to include public involvement in the development of their comprehensive Transportation Plan and Transportation Improvement Program.

Procedures have been developed by each MPO to provide opportunity for the public to input on the MPO Transportation Plan (20-year planning horizon), MPO Transportation Improvement Program (TIP), and Major Investment Studies (MIS), where applicable. INDOT utilizes the MPO public involvement process as the vehicle for soliciting public comment for INDOT projects within the MPO area. INDOT acknowledges the unique nature of each metropolitan area and has determined that the attached MPO procedures and the statewide transportation forum meet the planning public involvement requirements of 23 CFR 450.316(b) for transportation projects within the MPO area.

The MPO procedures include mechanisms for the public to express their views and to obtain information. The MPO procedures also provide a general approach for involving the public in major investment studies. Within this framework, the MIS will include the development of public involvement strategies.

The MPO procedures will also detail how the transportation needs of persons and groups who are "traditionally underserved by existing transportation systems" are identified and addressed per the recent Executive Order 12898 (February 11, 1994) on "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations." For example, some MPOs may institute advisory committees to represent transportation-disadvantaged groups and communities such as transit patrons, elderly, handicapped, low income and minorities.

When substantial written and oral comments are received on the draft Transportation Plan or TIP as a result of the public involvement process or the interagency consultation process, required by the conformity regulations, a summary, analysis, and report on the disposition of comments shall be made part

of the draft Transportation Plan and TIP. INDOT and the MPO will respond to comments and questions and include the responses in the final Transportation Plan and TIP.

INDOT and MPOs will coordinate the MPO plans and Statewide Transportation Plan through the cooperative transportation planning process that INDOT and the MPOs conduct. INDOT's participation in the MPO planning process ensures that statewide issues are considered in the MPO planning process. INDOT will summarize and include the individual MPO transportation plans in the Statewide Transportation Plan.

## **INDOT Regional Process**

INDOT recognizes that the districts serve a critical role in identifying transportation needs within their respective areas. Local public officials and the public-at-large will identify transportation needs through both formal requests for projects and informal telephone requests for maintenance. The results of the management systems are also considered in identifying metropolitan and statewide transportation needs.

INDOT's district development staff will participate in the MPO public involvement process to cooperatively identify INDOT transportation projects within the MPO areas for inclusion in the metropolitan Transportation Plan and TIP. Districts should continue to utilize the various public involvement mechanisms unique to their district to identify transportation needs.

In an effort to invite broader participation in the identification of transportation needs focusing on those areas outside of the MPO planning areas, each INDOT district will conduct a transportation planning and public involvement process to identify transportation needs.

The district, in cooperation with INDOT's Division of Planning, conducts transportation planning meetings to include clusters of communities within the region and provide the opportunity for public involvement. These meetings will be conducted periodically within the district to better respond to local transportation needs and address community goals and objectives.

Each INDOT district will conduct an annual public meeting to coordinate input from the community-cluster planning activities and solicit overall public involvement in the identification of transportation needs for both the Statewide Transportation Plan and the STIP. The meeting will be held outside the MPO areas to focus on district-wide transportation needs. The district will present the

draft prioritized list of transportation projects which will serve to update the previous year's STIP and take written and oral comments on the proposed update. The Statewide Transportation Plan will also be available for comment.

INDOT will provide notice to the local news media before the public meeting. Districts will utilize other communication techniques to encourage broad public participation (e.g., transportation fairs, telephone hot-lines, focus groups, surveys). The notice should include the meeting date, location, and information available for public review and comment. The district will provide reasonable public access to technical and policy information used in development of the Statewide Transportation Plan and STIP.

A comprehensive mailing list to notify the public and transportation stakeholders of planning and programming meetings will be maintained by INDOT's Indianapolis office and the districts for district meetings (See Statewide Transportation Forum).

The district will give consideration to and respond to all issues identified through written and oral comments. This summary, analysis, and report on the disposition of comments shall be made part of the final submittal to INDOT's Indianapolis office listing the district's proposed projects for inclusion in the STIP.

INDOT's Division of Public Affairs is available to assist districts by providing guidance on innovative public involvement techniques and meeting formats that maximize meaningful input.

Information on other public involvement methods is also available. Methods include direct participatory techniques such as workshops, on-site tours, brainstorming sessions, task forces or advisory committees, agency hot-line, surveys, and project-site information centers. Indirect participatory techniques might include newsletters, pamphlets, brochures, posters, information kits, and current mailing lists. The mass media may be used to inform the public.

The Division of Public Affairs will identify successful techniques being utilized by the districts and communicate those techniques to other districts.

## **Advisory Committees**

INDOT will establish advisory committees of transportation stakeholders to assist in the development of policies and strategies for the Statewide Transportation Plan. The advisory committees will focus on specific

transportation issues and will be made up of various interested parties including intermodal transportation representatives, environmental organizations, academic advisors, economic development interests and representatives of other state agencies.

## **Statewide Transportation Forum**

INDOT's Division of Public Affairs will maintain a list of stakeholders in the transportation system including public agencies, representatives of transportation agency employees, private providers of transportation, organizations representing the traditionally underserved and other interested parties and segments of the community affected by transportation plans, programs, and projects. INDOT's Division of Public Affairs will annually distribute a notice listing the various INDOT and MPO involvement opportunities. The notice will include all available meeting dates and locations, and addresses for submittal of written comments. The Division of Public Affairs will also give reasonable public access to the technical and policy information used in the development of the plan, STIP, draft MPO and district materials.

INDOT's Division of Public Affairs, in cooperation with INDOT's Division of Planning and the MPOs, will conduct an annual meeting in Indianapolis to seek involvement by stakeholders in the transportation system, public agencies, statewide interest groups, and others who were not able to attend the individual MPO and district meetings. INDOT's Division of Planning will make a presentation outlining the transportation planning process and the major initiatives evolving out of the planning process. The presentation will also briefly outline the air quality conformity process and how the results of the management systems are considered in developing metropolitan and statewide transportation plans and improvement programs.

The meeting format will allow full participation by the general public and stakeholders in the state's transportation system.

Three ways to comment are by making:

1. Public statements before an audience of concerned citizens,
2. Verbal comments to a court recorder or tape recorder which can be transcribed verbatim, and
3. Comments submitted in writing.

The format will consist of INDOT, in cooperation with the Indiana MPOs, presenting the statewide plan. In a nearby room, handouts and displays will explain the statewide and local transportation plans. A public statement session will be held after the presentation of the statewide plan. All groups and individuals wishing to make public statements will be given an opportunity to speak.

Written and oral comments will be collected at the Statewide Transportation Forum. A discussion of the disposition of comments from the district process, Statewide Transportation Forum, and those received by mail, will be included each year in the final STIP and the Statewide Transportation Plan.

Copies of the final STIP, and Statewide Transportation Plan, where applicable, will be distributed to the districts and the MPOs. The respective districts and MPOs will publish the availability of the STIP (and Transportation Plan where applicable) and provide copies for review in convenient locations. INDOT's Division of Planning will provide copies of the STIP (and Transportation Plan where applicable) to public agencies and interested groups.

## **Amendments To The TIPs and STIP**

Public involvement for amendments to the STIP or a TIP will be facilitated by the MPO or district in which the amendment occurs. A notice will be published by the MPO in local news media informing the public of proposed changes within urbanized areas. A notice will be published by the district in local news media for informing the public of proposed changes outside urbanized areas.

A comment period should be established allowing time for interested parties to comment on the proposed amendments. A discussion of the disposition of comments will be included with the transmittal of the amendment to the FHWA requesting approval.

Examples of revisions which are not sufficiently significant to require additional opportunity for public comment include minor changes in project scope/cost and moving minor non-controversial projects among the first three years of the STIP/TIP.

## **Public Hearings**

The above INDOT and MPO procedures for seeking and addressing public comments in the development of transportation plans and improvement programs will provide early and continuing opportunities for public involvement. The



public hearing is an opportunity for the public to make formal statements of position immediately before project decision making and preparation of the final environmental document. INDOT views the hearing as a specific, observable administrative benchmark for public involvement. Public involvement is ongoing throughout the development of MPO and INDOT plans and improvement programs.

## **Hearing Requirements**

INDOT's Division of Public Affairs will conduct one or more public hearings or provide the opportunity for a public hearing(s) at a convenient time and place for any federal-aid project when the transportation project:

1. Requires over half an acre of permanent right of way;
2. Substantially changes the layout or function of connecting roadways or of the facility being improved;
3. Has substantial adverse impact on abutting property;
4. Has a significant social, economic, environmental or other effect; or
5. Is determined by FHWA, in consultation with INDOT, that a public hearing is in the public's interest.

Public hearings will be held for all transportation projects which involve the development of an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA). The disposition of both oral and written comments will be included in the final approved NEPA document which constitutes FHWA location approval.

Transportation projects that do not individually or cumulatively have a significant environmental effect are categorically excluded from the requirement to prepare a NEPA document (EA or EIS). The public involvement requirements for these Categorical Exclusion (CE) projects can be satisfied either by holding a public hearing or by INDOT publishing notices offering the opportunity for a public hearing. INDOT will publish these notices in a newspaper which has general circulation in the vicinity of the proposed transportation project. The procedure for requesting a public hearing shall be explained in the notice. In addition, the notice shall announce the availability of the appropriate environmental document and shall explain where appropriate project materials may be inspected and copied. Further, the notice shall advertise of significant flood plain encroachments and whether a practicable alternative exists for the use of impacted wetland resources. The deadline for submission of a

request for a public hearing shall be clearly stated. If no response is received in regards to the notice by the stated deadline, INDOT's Division of Public Affairs will certify that the public involvement requirements have been satisfied and document the files accordingly.

When a limited number of requests are received in response to a notice offering the opportunity for a public hearing, appropriate INDOT representatives may meet with those individuals who responded to determine their involvement and concerns. INDOT's Division of Public Affairs will certify that the public involvement requirements have been satisfied and will note the certification in the project files. In certain cases following a meeting when a limited number of individuals do not or will not withdraw their requests, then a determination will be made as to the public interest of holding such a hearing.

A public hearing will be held when anyone with a substantial and significant social, economic, or environmental interest in the matter submits a request for a hearing. If no "significant interest" is identified, and it is determined that it is not in the public interest to hold such a meeting, INDOT's Division of Public Affairs will prepare a report to serve as documentation for the certification that the public involvement requirements have been satisfied.

### **Additional Opportunities For Public Involvement**

While regulations require only one formal public hearing, there are projects where additional meetings and hearings may be desirable. Transportation projects vary in scope and complexity, and it is only appropriate that increased public involvement efforts may be necessary for complex projects.

INDOT's Division of Public Affairs, in cooperation with INDOT's Pre-Engineering and Environment Division, conducts public information meetings on an "as-needed" basis to seek public input to assist in defining the scope of a proposed project. INDOT normally conducts these public information meetings before they prepare the environmental document.

While the separate location and design public hearings are no longer required and all references to design approval have been deleted from the regulations, there are instances where additional meetings might be desirable. In cases where there are several practical location alternatives, preliminary public information meetings may be appropriate. Once the environmental document is approved by FHWA for circulation, a public hearing will be held to identify a preferred corridor. Once additional design detail is available, an information meeting may be held to acquaint the public with specific design considerations for

the project. This enables involved property owners to learn how the proposed project may affect abutting property.

The MPO public involvement procedures establish the general approach for involving the public in Major Investment Studies (MIS).

### **Hardship and Protective Right of Way Buying**

Federal regulation (23 CFR 771.117(d)(12)) provides for the acquisition of land for hardship or protective purposes for a particular parcel or a limited number of parcels. Where the imminent development of land would preclude future transportation use, protective acquisition is allowed. Advance acquisition is allowed only where the acquisition will not limit the evaluation of alternatives which may be required in the NEPA process. INDOT's Division of Public Affairs will assure that all property owners are contacted, made aware of INDOT's reasons for early acquisition of their property, and informed of the availability of the environmental document (Categorical Exclusion) concerning the proposed right of way acquisition. Property acquisition may proceed once INDOT's Division of Public Affairs certifies the contacts have been completed thereby satisfying the public involvement requirement.

When the Governor, or other appropriate officials, declares an emergency and INDOT deems it to be in the overall public interest on a specific project, INDOT can recommend to FHWA that alternative procedures for public involvement be followed or that certain requirements be waived. Written concurrence must be obtained from FHWA for such alternate procedures or waiver of certain steps.

### **Public Notices**

When a public hearing is held, a notice shall be advertised in the local media in the vicinity of the proposed undertaking. The notice will also be advertised in all newspapers, such as foreign language newspapers or minority publications, that have a substantial circulation in the project area.

Regulations require that the notice of availability of a draft Environmental Impact Statement (EIS) be made 15 days in advance of the public hearing and that there be a total of 45 days to comment on EISs. FHWA recommends that two notices be made for EIS projects; an initial 30 day notice with a second notice 5-12 days in advance of the hearing. FHWA recommends that 15 days notice be provided for all other projects.

In addition to formal notices of the hearing, copies of the notice or a press release may be distributed to appropriate news media and local, state and federal government agencies that are affected or involved in the project or program. Copies will also be mailed to any agency, local public official, public advisory group or individuals who have requested notice of hearings and to other groups or agencies who are included in the current INDOT mailing list.

Each notice of a public hearing shall specify the date, time and place of the hearing or meeting and shall contain a general description of the proposal. The notice shall specify that sketch maps, drawings, and other pertinent information, including the appropriate environmental document developed for the proposal, will be available for public inspection and copying. The notice shall also specify where this information is available. A notice of a public hearing shall indicate, where applicable, the tentative schedules for right of way acquisition and construction and explain INDOT's relocation program. The notice will indicate the availability, where applicable, of INDOT Section 404 Permit Application and reference the U.S. Army Corps of Engineers Public Notice seeking comments on the applications.

INDOT maintains a current mailing list upon which any federal or state agency, local public official, public advisory group or any other interested committee or persons may enroll or request a notice of all proposed highway projects. An agency, official, group or citizen desiring to receive such notices must submit a written request to INDOT's Division of Public Affairs, Room N755, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2249.

### **Conducting the Hearing**

INDOT's Division of Public Affairs will hold public hearings at a place and time generally convenient for persons affected by or interested in the proposed undertaking, and in a facility that is accessible to the handicapped. INDOT's Division of Public Affairs will also be responsible for assuring all public involvement requirements listed below are satisfied.

Representatives of INDOT and the MPO, when appropriate, will explain the following information.

1. The project's purpose, need, and consistency with the goals and objectives of any local urban planning.
2. The project's alternatives, and major design features.

3. The social, economic, environmental, and other impacts of the project.
4. The relocation assistance program and the right of way acquisition process.
5. INDOT's procedures for receiving both oral and written statements from the public.

INDOT will ensure that engineers are present to explain the proposal and answer questions which may arise.

At the public hearing it shall be announced, or otherwise explained, that at any time after the hearing, and before final approval is obtained, information developed, relating to the proposed undertaking, will be available upon request during normal working hours for public inspection and copying. If the proposal requires the acquisition of property, INDOT's right of way procedures, including the relocation assistance program (when applicable), will be explained. The availability of the appropriate environmental document will be announced at the public hearing.

INDOT is committed to providing a public hearing format which allows full participation by the public. This format will allow the public to comment on the project in a minimum of three (3) methods.

1. Public statements before an audience of concerned citizens.
2. Verbal comments to a tape recorder which can be transcribed verbatim.
3. Written comments will be accepted.

A transcript of the verbal proceedings of the public hearing shall be made. The availability of the transcript shall be announced at the public hearing or by news release, subsequent to its completion and distribution. In addition, copies will be provided to individuals who request such copies as provided for in the current INDOT policy concerning public disclosure.

Explicit consideration and response to both oral and written comments will be included in the Final Environmental Impact Statement (FEIS) or if INDOT requests a Finding-Of-No-Significant-Impact (FONSI). If a project is located in an MPO area, the MPO will be given the opportunity to review and make additional responses. The MPO will provide expertise and assistance in addressing metropolitan planning and community development issues; therefore,

the public hearing responses will constitute joint INDOT-MPO comments. Once the FHWA has granted final location approval by issuing the FEIS Record of Decision or FONSI, the project may be advanced to final design, right of way acquisition, and construction.

Transportation projects that do not individually or cumulatively have a significant environmental effect are categorically excluded by FHWA from the requirement to prepare a NEPA document (EA or EIS). INDOT's Division of Public Affairs will certify that the public involvement requirements have been satisfied and provide FHWA a copy of said certification and transcript.

## **Design Summary**

A design summary is prepared for all projects where a public hearing, or the opportunity for a public hearing, is offered. While the design summary is not required by regulation, INDOT has developed this "public information document" to provide a complete description of the proposed project and transcript of the public hearing or certification of hearing requirements. This document will also allow closure of unresolved issues at the time of FHWA approval of the FEIS/ROD or EA/FONSI or FHWA determination that the project is categorically excluded (CE) from the requirement to prepare a NEPA document.

INDOT's Design Summary includes findings on permit, mitigation, design, and right of way issues. The design summary also serves to respond to issues raised by written and oral comments on projects which are categorically excluded by FHWA from the requirement to prepare a NEPA document.

Copies of the design summary will be made available to interested parties upon request as provided for in the current INDOT policy concerning public disclosure. FHWA will be supplied a copy of the design summary for all projects located on the National Highway System.